



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 294

DIGEST OF SB 294 (Updated April 8, 1999 2:09 pm - DI 75)

Citations Affected: IC 3-5; IC 3-9; IC 4-30; IC 4-31; IC 4-32; IC 4-33; IC 20-12; noncode.

Synopsis: Gaming; political contributions. Provides that lottery tickets may not be sold from a vending machine. Authorizes an Indiana nonprofit corporation that is organized and operated solely to support a state assisted college or university to conduct a game of chance outside the county in which the nonprofit corporation has its principal office. Establishes a community college program. Requires a person
(Continued next page)

Effective: July 1, 1997 (retroactive); January 1, 1998 (retroactive); January 1, 1999 (retroactive); upon passage; July 1, 1999.

Borst

(HOUSE SPONSORS — BAUER, KUZMAN)

January 7, 1999, read first time and referred to Committee on Public Policy.
February 11, 1999, amended, reported favorably — Do Pass.
February 15, 1999, read second time, ordered engrossed. Engrossed.
February 16, 1999, read third time, passed. Yeas 43, nays 6.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs; reassigned to Committee on Ways and Means.
April 6, 1999, amended, reported — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

ES 294—LS 7455/DI 92+



C
o
p
y

that holds a permit under the horse racing statute to file an annual report with the Indiana horse racing commission disclosing the names of each person that is considered to have an interest in the permit holder under the statute that prohibits political contributions by persons who have an interest in a permit holder. Requires a person that holds a license under the riverboat gaming statute to file an annual report with the Indiana gaming commission disclosing the names of each person that is considered to have an interest in the licensee under the statute that prohibits political contributions by persons who have an interest in a licensee. Provides that a permit holder or a licensee who knowingly or intentionally fails to file a report, files an incomplete report, files a report containing a false statement, or fails to file updated information as required commits a Class D felony. Requires the appropriate commission to impose sanctions on a permit holder or a licensee if the commission finds by a preponderance of the evidence that the permit holder or the licensee has knowingly or intentionally failed to file a report, filed an incomplete report, filed a report containing a false statement, or fails to provide updated information as required. Provides that the sanctions may include a civil penalty of at least \$5,000 but not more than \$500,000, suspension of a permit or a license, or revocation of a permit or license. Requires the Indiana horse racing commission and the Indiana gaming commission to compile the reports received from permit holders and licensees and send an electronic copy of the compiled report to the election division. Requires the election division to merge the compiled reports and make the merged report available for public inspection through an on-line service. Provides that all reports, compiled reports, and merged reports are public records. Provides that a candidate or a political committee may accept a campaign contribution from a person who has an interest in a permit holder under the horse racing statute or a licensee under the riverboat gaming statute if the person's name does not appear on the merged report or, if the person's name appears on the merged report, the contribution is received after the expiration of the period during which the person is prohibited from making a contribution. Requires the Indiana horse racing commission or the Indiana gaming commission to impose a civil penalty of at least \$5,000 but not more than \$500,000 for each violation on a person with certain gaming interests who has violated the prohibition on gaming interests making political contributions. Provides that a person who has certain gaming interests may not make certain political contributions, directly or indirectly. Provides that persons who have certain gaming interests may not make contributions to political action committees. Authorizes the attorney general to issue opinions at the request of a person who holds a horse racing permit or a riverboat license regarding whether a named person has an interest in a permit holder or a licensee under the statute that prohibits persons who have certain interests in permit holders or licensees from making political contributions. Provides that certain persons may rely upon any conclusions contained in the attorney general's opinion. Makes several other changes in campaign finance law.

C
o
p
y



Reprinted
April 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 294

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
3 Sec. 2.5. "Auxiliary party organization" means an organization located
4 within or outside Indiana that:
5 (1) is affiliated with a political party;
6 (2) proposes to influence the election of a candidate for state,
7 legislative, local, or school board office, or the outcome of a
8 public question; and
9 (3) has not:
10 (A) had an annual budget of five thousand dollars (\$5,000) or
11 more in at least one (1) of the last two (2) years; or
12 (B) made a contribution of more than ~~five hundred dollars~~
13 ~~(\$500)~~ **one thousand dollars (\$1,000)** to another committee
14 or to a candidate.
15 SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS

ES 294—LS 7455/DI 92+



FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination date" refers to the following:

(1) For candidates nominated in a primary election, the date of the primary election.

(2) For candidates nominated in a convention, the date of the convention **is scheduled to be called to order, according to the call of the convention issued by the political party.**

(3) ~~For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15 or IC 3-13-2-8.~~

(4) ~~For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under IC 3-8-6-10(c).~~

(5) ~~For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.~~

SECTION 3. IC 3-5-2-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Except as provided in subsection (b), "political action committee" means an organization located within or outside Indiana that satisfies all of the following:

(1) ~~The organization is not:~~

~~(A) affiliated with a political party; or~~

~~(B) a candidate's committee.~~

~~(2) The organization proposes to influence:~~

~~(A) the election of a candidate for state, legislative, local, or school board office; or~~

~~(B) the outcome of a public question.~~

~~(3) (2) The organization accepts contributions or makes expenditures during a calendar year:~~

~~(A) to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana; and~~

~~(B) that in the aggregate exceed one hundred dollars (\$100).~~

~~(4) (3) The organization is not any of the following:~~

~~(A) An auxiliary party organization.~~

~~(B) A legislative caucus committee.~~

~~(C) A regular party committee.~~

~~(D) A candidate's committee.~~

(b) A corporation or labor organization that makes a contribution in accordance with IC 3-9-2 or makes an expenditure is not considered a political action committee.

SECTION 4. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include in its statement of organization the following:

- (1) The name and address of the committee.
- (2) The purpose for which the committee is formed, **unless the committee is a candidate's committee that identifies a specific office sought by the candidate.**
- (3) The name and address of the chairman and treasurer.
- (4) If applicable, the name, address, office sought, and political party affiliation or independent status of each candidate whom the committee is supporting.
- (5) If the committee is **a legislative caucus committee, political action committee, or regular party committee and is** supporting the entire ticket of a political party, the name of the party.
- (6) If the committee is **a political action committee** supporting or opposing a public question, a brief statement of the question supported or opposed.
- (7) A listing of all banks, safety deposit boxes, and other depositories used.
- (8) Other information prescribed by the commission under IC 3-6-4.1-14(a)(3).

SECTION 5. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time **in the manner prescribed by this section.**

(b) **The commission or a county election board may administratively disband a committee in the manner prescribed by this section.**

(c) **The commission has exclusive jurisdiction to disband any of the following:**

- (1) **A candidate's committee for state office.**
- (2) **A candidate's committee for legislative office.**
- (3) **A legislative caucus committee.**
- (4) **A political action committee that has filed a statement or report with the election division.**
- (5) **A regular party committee that has filed a statement or report with the election division.**

(d) **A county election board has exclusive jurisdiction to disband any of the following:**

- (1) **A candidate's committee for a local office.**
- (2) **A candidate's committee for a school board office.**
- (3) **A political action committee that has filed a statement or report with the election board, unless the political action**



committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines that a committee:

(A) has not filed any report of expenditures during the previous three (3) calendar years;

(B) owes no debts to any person other than:

(i) a civil penalty assessed by the commission or board; or

(ii) to an individual who was a candidate and also serves as the chairman or treasurer of the candidate's committee if the committee filed a report under this article; and

(C) last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000) if the committee filed a report under this article;

the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.



C
O
P
Y

(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) The election division shall arrange for the publication of an order administratively disbanding a committee in the Indiana Register. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(6) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution ~~and~~ or transfer of funds does not relieve the committee or ~~its~~ the committee's members from civil or criminal liability.

SECTION 6. IC 3-9-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by



a committee when any member of the committee:

- (1) has physical possession of the contribution; and
- (2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c).

SECTION 7. IC 3-9-1-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. For purposes of this article, a person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:**

- (1) depositing the contribution in the United States mail; or
- (2) transferring the contribution to any other person who has been directed to convey the contribution to the person intended to be the recipient of the contribution.

SECTION 8. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. An individual may not ~~make~~ solicit or receive a contribution in violation of the following statutes:**

- (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- (2) IC 4-23-7.1-38 (Indiana State Library).
- (3) IC 4-23-7.2-17 (Indiana Historical Bureau).
- (4) IC 8-23-2-3 (Indiana Department of Transportation).
- (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).

SECTION 9. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) As used in this section, "merged report" refers to the report created by the election division under IC 4-31-14-7 and IC 4-33-16-7.**

(b) As used in this section, "prohibited contributor" refers to a person that is prohibited from making a contribution under either of the following:

- (1) IC 4-31-13-3.5.
- (2) IC 4-33-10-2.1.

(c) A candidate or a committee may accept and retain a contribution from:

- (1) a person who is not identified as a prohibited contributor on the most recent merged report; or
- (2) if the person's name does appear on the most recent merged report, the contribution is received after the date of the end of the prohibited period for the person shown on the most recent merged report.

(d) A candidate or committee that accepts a contribution as



C
O
P
Y

provided in this section is not subject to:

(1) prosecution under:

(A) IC 4-31-13-3.5; or

(B) IC 4-33-10-2.1; or

(2) a civil penalty under:

(A) IC 4-31-14; or

(B) IC 4-33-16.

SECTION 10. IC 3-9-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 4. (a) The election division shall develop a filing ~~and coding and cross-indexing~~ system consistent with the purposes of this article. The election division and each county election board shall use the filing ~~and coding and cross-indexing~~ system. The coding system must provide:

(1) ~~not more than ten (10)~~ codes to account for various campaign expenditure items; and

(2) a clear explanation of the kinds of expenditure items that must be accounted for under each code.

(b) The election division shall develop and use a computer system to store campaign finance reports required to be filed under IC 3-9-5-6, ~~and IC 3-9-5-10, and IC 3-9-5-20.1~~. The computer system must enable the election division to do the following:

(1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.

(2) Identify all contributors to a candidate or committee over the past three (3) years.

(3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:

(A) Legislative office.

(B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) **This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election division to print out a hard copy of the report upon the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 when the hard copy is printed out and the election division records the date and time of the printout on the hard copy. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed**



report prevails until an amendment is filed under this article to correct the discrepancy.

(d) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(e) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 11. IC 3-9-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election division and each county election board shall do all of the following:

(1) Ascertain whether candidates, committees, or other persons have:

(A) failed to file statements of organization or reports; or ~~have~~
(B) filed defective statements of organization or reports.

(2) Give the following notices:

(A) To delinquents to file a statement of organization or a report immediately upon receipt of the notice. A delinquency notice must be given not later than thirty (30) days after ~~each election: the date the report was required to be filed.~~ The ~~commission election division~~ or a county election board may, but is not required to, give delinquency notices at other times.

(B) To persons filing defective reports to make a supplemental statement or report correcting all defects not later than noon five (5) calendar days after receipt of the notice.

(3) Make available for public inspection a list of delinquents and persons who have failed to file the required supplemental statement or report. The election division and each county election board shall post a list of delinquents in a public place at or near the entrance of the commission's or board's respective offices.

(b) The election division shall mail:

(1) to each candidate ~~and treasurer of the candidate's committee;~~
required to file a campaign finance report with the election division; and

(2) twenty-one (21) days before the campaign finance reports are due;

the proper campaign finance report forms and a notice that states the date the campaign finance reports are due. The election division is required to mail notices and forms only to candidates for state offices



and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

(c) Notwithstanding any notice given to a delinquent under subsection (a) or (b), the delinquent remains liable for a civil penalty in the full amount permitted under this chapter for failing to file a campaign finance report or statement of organization not later than the date and time prescribed under this article.

SECTION 12. IC 3-9-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "delinquent **or defective** report" refers to a campaign finance report **or statement of organization**:

(1) that was required to be filed under IC 3-9-5 but was not filed in the manner required under IC 3-9-5; and

(2) for which a person was assessed a civil penalty under section 16 or 17 of this chapter.

(b) As used in this section, "election board" refers to the following:

(1) The commission if a civil penalty was assessed under section 16 of this chapter.

(2) The county election board if a civil penalty was assessed under section 17 of this chapter.

(c) As used in this section, "person" refers to a person who:

(1) has been assessed a civil penalty under section 16 or 17 of this chapter; and

(2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.

(d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent **or defective** report:

(1) Files the delinquent report **or amends the defective report** from the previous candidacy:

(A) before filing a report required under IC 3-9-5-6; or

(B) at the same time the person files the report required under IC 3-9-5-6;

for a subsequent candidacy.

(2) Pays all civil penalties assessed under section 16 or 17 of this chapter for the delinquent report.

(e) This subsection applies to a person who:

(1) is assessed a civil penalty under this chapter; and

(2) is elected to office in the subsequent election.

The election board may order the auditor of state or the fiscal officer of the political subdivision responsible for issuing the person's payment

C
o
p
y



for serving in office to withhold from the person's paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor **or fiscal officer** shall continue withholding money from the person's paycheck until an amount equal to the amount of the civil penalty has been withheld.

(f) The auditor of state or fiscal officer shall deposit an amount **paid, recovered, or** withheld under this section in the election board's campaign finance enforcement account.

(g) Proceedings of the election board under this section are subject to IC 4-21.5.

SECTION 13. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This subsection applies to a candidate's committee.** Except as otherwise provided in this chapter, each committee, ~~its the committee's~~ treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, ~~or~~ municipal, ~~or special~~ election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) ~~In the case of a special election, each committee, each committee's treasurer, and each candidate shall complete a report required by this chapter current as of twenty-five (25) days before the special election. This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:~~

(1) Twenty-five (25) days before a primary election.

(2) Twenty-five (25) days before a general, municipal, or special election.

(3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before a primary election conducted in an even-numbered year.

(2) Twenty-five (25) days before a general election conducted



1 in an even-numbered year.

2 (3) The date of the annual report filed and dated as required
3 under section 10 of this chapter.

4 A legislative caucus committee is not required to file any report
5 concerning the committee's activity during an odd-numbered year
6 other than the annual report filed and dated under section 10 of
7 this chapter.

8 (d) This subsection applies to a political action committee.
9 Except as otherwise provided in this chapter, each committee and
10 the committee's treasurer shall complete a report required by this
11 chapter current and dated as of the following dates:

12 (1) Twenty-five (25) days before a primary election.

13 (2) Twenty-five (25) days before a general, municipal, or
14 special election.

15 (3) The date of the annual report filed and dated as required
16 under section 10 of this chapter.

17 SECTION 14. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Persons~~ **A person** may
19 deliver reports to the appropriate office as follows:

20 (1) By hand.

21 (2) By mail.

22 (3) By electronic mail, if the appropriate office has the capacity
23 to:

24 (A) receive electronic mail; and

25 (B) **print out a hard copy of the report immediately upon**
26 **the receipt of the electronic mail by the office.**

27 (b) Reports must be filed as follows:

28 (1) Hand delivered reports **or reports transmitted by mail** must
29 be ~~received by~~ **filed with** the appropriate office during regular
30 office hours not later than noon seven (7) days after the date of
31 the report.

32 (2) Reports delivered by electronic mail must be received by the
33 appropriate office not later than noon seven (7) days after the date
34 of the report.

35 ~~(3) Reports that are mailed must be postmarked not later than~~
36 ~~noon seven (7) days after the date of the report.~~

37 (c) This subsection applies to a report delivered by electronic
38 mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard
39 copy is printed out and the office records the date and time of the
40 printout on the report. If a discrepancy exists between the text of
41 the electronic mail and the printed report, the text of the printed
42 report prevails until an amendment is filed under this article to



correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

SECTION 15. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to a candidate for nomination to an office in a state convention who**

~~(1) becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention. and~~

~~(2) does~~ (b) **A candidate is not required to file the required a report in accordance with section 7 section 6(a)(1) of this chapter. The candidate shall file the candidate's first report no not later than noon twenty (20) days after the nomination date for a candidate chosen at a state convention.**

~~(b) (c)~~ (c) **The reporting period for a the first report required under this section for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the state convention.**

SECTION 16. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.2. (a) **This section applies to a candidate who is nominated by petition under IC 3-8-6.**

(b) **A candidate is not required to prepare or file a report before the nomination date.**

(c) **The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.**

SECTION 17. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.4. (a) **This section applies to a candidate who files a declaration of intent to be a write-in candidate under IC 3-8-2.**

(b) **A candidate is not required to prepare or file a report before the nomination date.**

(c) **The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.**

SECTION 18. IC 3-9-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) **This**



1 section applies to a candidate who is selected to fill a vacancy on the
2 ballot under IC 3-13-1 or IC 3-13-2.

3 (b) **A candidate is not required to prepare or file a report before**
4 **the nomination date.**

5 (c) **Except as provided in subsection (d), the reporting period for**
6 **the candidate's committee first report required for a candidate**
7 **begins on the date that the individual became a candidate and ends**
8 **twenty-five (25) fourteen (14) days before after the election.**
9 **nomination date.**

10 (d) **This subsection applies to a candidate selected under**
11 **IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required**
12 **to prepare or file a report before or after the nomination date. The**
13 **period for the first report required for a candidate begins on the**
14 **date that the individual became a candidate and ends December 31**
15 **following the election.**

16 SECTION 19. IC 3-9-5-14 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]:
18 Sec. 14. (a) As used in this section, "threshold contribution amount"
19 refers to the following:

20 (1) For contributions made to a candidate's committee, a
21 legislative caucus committee, or a political action committee, one
22 hundred dollars (\$100).

23 (2) For contributions made to a regular party committee, two
24 hundred dollars (\$200).

25 (b) The report of each committee's treasurer must disclose the
26 following:

27 (1) The amount of cash on hand and the value of any investments
28 made by the committee at the beginning of the reporting period.

29 (2) The total sum of individual contributions including
30 transfers-in, accepted by the committee during its reporting
31 period.

32 (3) The following information regarding each person who has
33 made one (1) or more contributions within the year, in an
34 aggregate amount that exceeds the threshold contribution amount
35 in actual value to or for the committee, including the purchase of
36 tickets for events such as dinners, luncheons, rallies, and similar
37 fundraising events:

38 (A) The full name of the person.

39 (B) The full mailing address of the person making the
40 contribution.

41 (C) The person's occupation, if the person is an individual who
42 has made contributions **to the committee** of at least one



- 1 thousand dollars (\$1,000) during the calendar year.
- 2 (D) The date and amount of each contribution.
- 3 (4) The name and address of each committee from which the
- 4 reporting committee received, or to which that committee made,
- 5 a transfer of funds, together with the amounts and dates of all
- 6 transfers.
- 7 (5) If the reporting committee is a candidate's committee, the
- 8 following information about each other committee that has
- 9 reported expenditures to the reporting candidate's committee
- 10 under section 15 of this chapter:
- 11 (A) The name and address of the other committee.
- 12 (B) The amount of expenditures reported by the other
- 13 committee.
- 14 (C) The date of the expenditures reported by the other
- 15 committee.
- 16 (D) The purpose of the expenditures reported by the other
- 17 committee.
- 18 (6) Each loan to or from a person within the reporting period
- 19 together with the following information:
- 20 (A) The full names and mailing addresses of the lender and
- 21 endorsers, if any.
- 22 (B) The person's occupation, if the person is an individual who
- 23 has made loans of at least one thousand dollars (\$1,000) **to the**
- 24 **committee** during the calendar year.
- 25 (C) The date and amount of the loans.
- 26 (7) The total sum of all receipts of the committee during the
- 27 reporting period.
- 28 (8) The full name, mailing address, occupation, and principal
- 29 place of business, if any, of each person other than a committee
- 30 to whom an expenditure was made by the committee or on behalf
- 31 of the committee within the year in an aggregate amount that:
- 32 (A) exceeds one hundred dollars (\$100), in the case of a
- 33 candidate's committee, **legislative caucus committee**, or
- 34 political action committee; or
- 35 (B) exceeds two hundred dollars (\$200), in the case of a
- 36 regular party committee.
- 37 (9) The name, address, and office sought by each candidate for
- 38 whom any expenditure was made or a statement identifying the
- 39 public question for which any expenditure was made, including
- 40 the amount, date, and purpose of each expenditure.
- 41 (10) The full name, mailing address, occupation, and principal
- 42 place of business, if any, of each person to whom an expenditure

C
O
P
Y



for personal services, salaries, or reimbursed expenses was made within the year in an aggregate amount that:

(A) exceeds one hundred dollars (\$100), in the case of a candidate's committee, **legislative caucus committee**, or political action committee; or

(B) exceeds two hundred dollars (\$200), in the case of a regular party committee;

and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

(11) The total sum of expenditures made by the committee during the reporting period.

(12) The amount and nature of debts owed by or to the committee, and a continuous reporting of the debts after the election at the times ~~that the board requires~~ **required under this article** until the debts are extinguished.

(c) If a committee:

(1) obtains a contribution;

(2) determines that the contribution should not be accepted by the committee; and

(3) does not receive and accept the contribution under IC 3-9-1-25(b);

the committee must return the contribution to the person who made the contribution. A returned contribution is not required to be listed on the report of the committee's treasurer. However, if the committee receives and deposits the contribution under IC 3-9-1-25(b) and subsequently determines that the contribution should be refunded, the receipt and refund of the contribution must be listed on the report of the committee's treasurer.

SECTION 20. IC 3-9-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
Sec. 16. (a) This subsection applies to a candidate's committee **of a candidate whose name does not appear on the ballot at any time during a year and who is not a write-in candidate during that year.** The reports required to be filed by this chapter are cumulative during the year. If no contributions or expenditures have been accepted or made during a year, the treasurer of the candidate's committee shall file a statement to that effect.

(b) This subsection applies to a political action committee or a regular party committee. If a committee has not received or made contributions or expenditures, the committee shall file a report under section 6 of this chapter stating that no contributions or expenditures have been received or made.



1 SECTION 21. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 20.1. (a) This section applies only to a large
 4 contribution that satisfies all of the following:

5 (1) The contribution is received by a candidate, the
 6 candidate's committee, or the treasurer of the candidate's
 7 committee.

8 (2) The contribution is received:

9 (A) not more than twenty-five (25) days before an election;
 10 and

11 (B) not less than forty-eight (48) hours before an election.

12 (b) As used in this section, "election" refers to any of the
 13 following:

14 (1) A primary election.

15 (2) A general election.

16 (3) A municipal election.

17 (4) A special election.

18 (5) For candidates nominated at a state convention, the state
 19 convention.

20 (c) As used in this section, "large contribution" means a
 21 contribution of at least one thousand dollars (\$1,000).

22 (d) The treasurer of a candidate's committee shall file a
 23 supplemental large contribution report with the election division
 24 or a county election board not later than forty-eight (48) hours
 25 after the contribution is received. A report filed under this section
 26 may be filed by facsimile (fax) transmission.

27 (e) A report required by subsection (d) must contain the
 28 following information for each large contribution:

29 (1) The name of the person making the contribution.

30 (2) The address of the person making the contribution.

31 (3) If the person making the contribution is an individual, the
 32 individual's occupation.

33 (4) The amount of the contribution.

34 (5) The date and time the contribution was received by the
 35 treasurer, the candidate, or the candidate's committee.

36 (f) The commission shall prescribe the form for the report
 37 required by this section.

38 SECTION 22. IC 4-30-2-3.5 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 1999]: Sec. 3.5. "Instant ticket vending machine" means a
 41 self-service device authorized by the commission to function in an
 42 on-line, interactive mode with the lottery's central computer



1 **system for the purpose of issuing lottery tickets and entering,**
 2 **receiving, and processing lottery transactions.**

3 SECTION 23. IC 4-30-13-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A person who
 5 knowingly:

6 (1) sells a lottery ticket and is not authorized by the commission
 7 or this article to engage in such a sale;

8 (2) sells a lottery ticket to a minor; ~~or~~

9 (3) sells a lottery ticket at a price other than that established by
 10 the commission; **or**

11 **(4) sells a lottery ticket from an instant ticket vending**
 12 **machine after June 30, 1999;**

13 commits a Class A misdemeanor.

14 SECTION 24. IC 4-30-14-8 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 1999]: **Sec. 8. A person who possesses an instant ticket vending**
 17 **machine after July 31, 1999, commits a Class A misdemeanor.**

18 SECTION 25. IC 4-31-13-3.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) The definitions
 20 in IC 3-5-2 apply to this section to the extent they do not conflict with
 21 the definitions in this article.

22 (b) This section applies only to contributions made after June 30,
 23 1996.

24 (c) As used in this section, "candidate" refers to any of the
 25 following:

26 (1) A candidate for a state office.

27 (2) A candidate for a legislative office.

28 (3) A candidate for a local office.

29 (d) As used in this section, "committee" refers to any of the
 30 following:

31 (1) A candidate's committee.

32 (2) A regular party committee.

33 (3) A committee organized by a legislative caucus of the house of
 34 the general assembly.

35 (4) A committee organized by a legislative caucus of the senate
 36 of the general assembly.

37 **(5) A political action committee.**

38 (e) As used in this section, "officer" refers only to either of the
 39 following:

40 (1) An individual listed as an officer of a corporation in the
 41 corporation's most recent annual report.

42 (2) An individual who is a successor to an individual described in

C
O
P
Y



subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee, **directly or indirectly**, during the following periods:

(1) If the person is a permit holder, during the following periods:

~~(1)~~ **(A)** The term during which the permit holder holds a permit.

~~(2)~~ **(B)** The three (3) years following the final expiration or termination of the permit holder's permit.

(2) If the person is a person considered to have an interest in a permit holder under subsection (f), during the following periods:

(A) The period during which the person is considered to have an interest in the permit holder under subsection (f).

(B) The three (3) years following the date the person ceases to have an interest in the permit holder under subsection (f).

(i) A person who knowingly or intentionally violates this section commits a Class D felony.

(j) **The attorney general may, in the attorney general's discretion, issue an official opinion at the request of a permit holder regarding whether a particular person has an interest in the permit holder under this section. If the attorney general issues an opinion under this subsection, the following may rely on any conclusions of the attorney general's opinion for purposes of this section:**

(1) The permit holder.

(2) Any person identified in the request for the opinion.

(3) Any candidate.



1 **(4) Any committee.**

2 **(5) The commission.**

3 SECTION 26. IC 4-31-13-3.7 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 1999]: **Sec. 3.7. (a) The definitions in section**
6 **3.5 of this chapter apply throughout this section.**

7 **(b) A permit holder who knowingly or intentionally does any of**
8 **the following commits a Class D felony:**

9 **(1) Fails to file a report required by IC 4-31-14.**

10 **(2) Files an incomplete report required by IC 4-31-14.**

11 **(3) Makes a false statement in a report required by**
12 **IC 4-31-14.**

13 **(4) Fails to update a report as required by IC 4-31-14.**

14 SECTION 27. IC 4-31-14 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]:

17 **Chapter 14. Reporting Ownership Interests by Permit Holders**

18 **Sec. 1. The definitions in IC 4-31-13-3.5 apply throughout this**
19 **chapter.**

20 **Sec. 2. As used in this chapter, "prohibited period" means the**
21 **period during which a person may not make a contribution under**
22 **IC 4-31-13-3.5.**

23 **Sec. 3. Each year, a permit holder shall report to the**
24 **commission the following information relating to each person that**
25 **at any time during the previous calendar year was considered to**
26 **have an interest in the permit holder under IC 4-31-13-3.5:**

27 **(1) The name of the person.**

28 **(2) The mailing address of the person.**

29 **(3) The date on which the person no longer had an interest in**
30 **the permit holder, if the person ceased to have an interest in**
31 **the permit holder during the previous calendar year.**

32 **(4) Other information required by the commission's rules.**

33 **Sec. 4. The commission's rules shall require a permit holder to**
34 **update information required by section 3 of this chapter.**

35 **Sec. 5. The commission shall prescribe the form of the reports**
36 **required by this chapter.**

37 **Sec. 6. (a) The commission shall compile the reports of permit**
38 **holders filed under this chapter. The compiled report must satisfy**
39 **the following:**

40 **(1) The report must identify each permit holder.**

41 **(2) The report must identify each person that has an interest**
42 **in a permit holder.**



(3) The report must be easily searchable to determine whether a particular person is a permit holder or a person who has an interest in the permit holder.

(4) For each permit holder and person who has an interest in the permit holder, the report must indicate the expiration date of the prohibited period for the permit holder or person who has an interest in the permit holder.

(5) The information relating to a person on the report must be maintained on subsequent reports until after the expiration date for the person.

(b) The commission shall compile a report under this section:

(1) as required under rules adopted by the commission;

(2) in coordination with:

(A) reports compiled under IC 4-33-16; and

(B) the merged report made by the election division under section 7 of this chapter; and

(3) to permit candidates, committees, and the public to obtain accurate and current information regarding permit holders and persons who have an interest in a permit holder.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to the election division by the Indiana gaming commission under IC 4-33-16.

(c) The commission, the election division, and the Indiana gaming commission shall cooperate to develop a uniform format for compiled and merged reports required by this chapter and IC 4-33-16.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to impose sanctions on a permit holder if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder has knowingly or intentionally



done any of the following:

- (1) Fails to file a report as required by this chapter or rules adopted under this chapter.
- (2) Files an incomplete report as required by this chapter or rules adopted under this chapter.
- (3) Makes a false statement in a report required by this chapter or rules adopted under this chapter.
- (4) Fails to update a report as required by this chapter or filed under this chapter.
- (5) Otherwise violates this chapter or rules adopted under this chapter.

(b) The commission shall impose sanctions on a permit holder or a person with an interest in a permit holder for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder or the person with an interest in a permit holder knowingly or intentionally has violated section 3.5 of this chapter.

(c) The rules adopted under this section may provide for imposition of any of the following sanctions:

- (1) A civil penalty of not less than five thousand dollars (\$5,000) and not more than five hundred thousand dollars (\$500,000).
- (2) Suspension of a permit holder's permit for a period of not less than thirty (30) days.
- (3) Revocation of a permit holder's permit.

(d) The commission's rules may provide that the severity of a sanction may depend on any of the following:

- (1) The nature of the violation as provided in the rules.
- (2) The number of violations as provided in the rules.
- (3) Other factors the commission considers just.

(e) The commission shall take action under this section regardless of whether either of the following apply:

- (1) The person to be sanctioned has not been prosecuted under IC 4-31-13-3.5 or IC 4-31-13-3.7.
- (2) The person to be sanctioned has been prosecuted under IC 4-31-13-3.5 or IC 4-31-13-3.7 and has been found not guilty of a crime under either of those statutes.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 28. IC 4-32-9-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) Except where a qualified organization or its affiliate is having a convention or other



annual meeting of its membership, a qualified organization may only conduct an allowable event in the county where the principal office of the qualified organization is located. The principal office of a qualified organization shall be determined as follows:

(1) Except as provided in subdivision (3), if a qualified organization is a corporation, the principal office shall be determined by the street address of the corporation's registered office on file with the secretary of state.

(2) If a qualified organization is not a corporation, the principal office shall be determined by the street address of the organization on file with the Internal Revenue Service, the department, or county property tax assessment board of appeals for tax exempt purposes.

(3) If a qualified organization is affiliated with a parent organization that:

(A) is organized in Indiana; and

(B) has been in existence for at least five (5) years;

the principal office shall be determined by the principal place of business of the qualified organization.

(b) The limitation in subsection (a) on the county in which an allowable event may be conducted does not apply to an Indiana nonprofit corporation organized and operated solely for the benefit of a state educational institution (as defined in IC 20-12-0.5-1).

SECTION 29. IC 4-33-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(5) A political action committee.



(e) As used in this section, "license" means:

- (1) an owner's license issued under this article; or
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.

(f) As used in this section, "licensee" means a person who holds a license.

(g) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the licensee.
- (2) The person is an officer of the licensee.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
- (4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee, **directly or indirectly**, during the following periods:

- (1) **If the person is a licensee, during the following periods:**
 - (A) The term during which the licensee holds a license.
 - (B) The three (3) years following the final expiration or termination of the licensee's license.
- (2) **If the person is a person considered to have an interest in a licensee under subsection (h), during the following periods:**
 - (A) The period during which the person is considered to have an interest in the licensee under subsection (h).
 - (B) The three (3) years following the date the person ceases to have an interest in the licensee under subsection (h).

(k) A person who knowingly or intentionally violates this section commits a Class D felony.

(l) The attorney general may, in the attorney general's discretion, issue an official opinion at the request of a permit holder regarding whether a particular person has an interest in the permit holder under this section. If the attorney general issues an



opinion under this subsection, the following may rely on any conclusions of the attorney general's opinion for purposes of this section:

- (1) The permit holder.
- (2) Any person identified in the request for the opinion.
- (3) Any candidate.
- (4) Any committee.
- (5) The commission.

SECTION 30. IC 4-33-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 2.7. (a) The definitions in section 2.1 of this chapter apply throughout this section.**

(b) A licensee who knowingly or intentionally does any of the following commits a Class D felony:

- (1) Fails to file a report required by IC 4-33-16.
- (2) Files an incomplete report required by IC 4-33-16.
- (3) Makes a false statement in a report required by IC 4-33-16.
- (4) Fails to update a report as required by IC 4-33-16.

SECTION 31. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Reporting Ownership Interests by Licensees

Sec. 1. The definitions in IC 4-33-10-2.1 apply throughout this chapter.

Sec. 2. As used in this chapter, "prohibited period" means the period during which a person may not make a contribution under IC 4-33-10-2.1.

Sec. 3. Each year, a licensee shall report to the commission the following information relating to each person that at any time during the previous calendar year was considered to have an interest in the licensee under IC 4-33-10-2.1:

- (1) The name of the person.
- (2) The mailing address of the person.
- (3) The date on which the person no longer had an interest in the licensee, if the person ceased to have an interest in the licensee during the previous calendar year.
- (4) Other information required by the commission's rules.

Sec. 4. The commission's rules shall require a licensee to update information required by section 3 of this chapter.

Sec. 5. The commission shall prescribe the form of the reports required by this chapter.



1 **Sec. 6. (a) The commission shall compile the reports of licensee**
 2 **filed under this chapter. The compiled report must satisfy the**
 3 **following:**

4 **(1) The report must identify each licensee.**

5 **(2) The report must identify each person that has an interest**
 6 **in a licensee.**

7 **(3) The report must be easily searchable to determine whether**
 8 **a particular person is a licensee or a person who has an**
 9 **interest in a licensee.**

10 **(4) For each licensee and person who has an interest in the**
 11 **licensee, the report must indicate the expiration date of the**
 12 **prohibited period for the licensee or person who has an**
 13 **interest in the licensee.**

14 **(5) The information relating to a person on the report must be**
 15 **maintained on subsequent reports until after the expiration**
 16 **date for the person.**

17 **(b) The commission shall compile a report under this section:**

18 **(1) as required under rules adopted by the commission;**

19 **(2) in coordination with:**

20 **(A) reports compiled under IC 4-31-14; and**

21 **(B) the merged report made by the election division under**
 22 **section 7 of this chapter; and**

23 **(3) to permit candidates, committees, and the public to obtain**
 24 **accurate and current information regarding licensees and**
 25 **persons who have an interest in a licensee.**

26 **Sec. 7. (a) The commission shall send an electronic copy of each**
 27 **report compiled under section 6 of this chapter to the election**
 28 **division.**

29 **(b) The election division shall merge a report sent by the**
 30 **commission under this section with the most recent report sent to**
 31 **the election division by the Indiana horse racing commission under**
 32 **IC 4-31-14.**

33 **(c) The commission, the election division, and the Indiana**
 34 **gaming commission shall cooperate to develop a uniform format**
 35 **for compiled and merged reports required by this chapter and**
 36 **IC 4-31-14.**

37 **(d) The election division shall make merged reports available to**
 38 **the general public through an on-line service.**

39 **Sec. 8. (a) Each report, compiled report, and merged report**
 40 **required by this chapter is a public record subject to public**
 41 **inspection and copying under IC 5-14-3.**

42 **(b) The commission and the election division shall provide paper**



copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to impose sanctions on a licensee if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the licensee has knowingly or intentionally done any of the following:

- (1) Fails to file a report as required by this chapter or rules adopted under this chapter.
- (2) Files an incomplete report as required by this chapter or rules adopted under this chapter.
- (3) Makes a false statement in a report required by this chapter or rules adopted under this chapter.
- (4) Fails to update a report as required by this chapter or filed under this chapter.
- (5) Otherwise violates this chapter or rules adopted under this chapter.

(b) The commission shall impose sanctions on a licensee or a person with an interest in a licensee for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the licensee or the person with an interest in a licensee knowingly or intentionally has violated section 2.1 of this chapter.

(c) The rules adopted under this section may provided for imposition of any of the following sanctions:

- (1) A civil penalty of not less than five thousand dollars (\$5,000) and not more than five hundred thousand dollars (\$500,000).
- (2) Suspension of a licensee's license for a period of not less than thirty (30) days.
- (3) Revocation of a licensee's license.

(d) The commission's rules may provide that the severity of a sanction may depend on any of the following:

- (1) The nature of the violation as provided in the rules.
- (2) The number of violations as provided in the rules.
- (3) Other factors the commission considers just.

(e) The commission shall take action under this section regardless of whether either of the following apply:

- (1) The person to be sanctioned has not been prosecuted under IC 4-33-10-2.1 or IC 4-33-10-2.9.
- (2) The person to be sanctioned has been prosecuted under IC 4-33-10-2.1 or IC 4-33-10-2.9 and has been found not guilty



C
O
P
Y

of a crime under either of those statutes.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 32. IC 20-12-74 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 74. Community College Program

Sec. 1. As used in this chapter, "general education" means education that is:

- (1) not directly related to a student's formal technical, vocational, or professional preparation;
- (2) a part of every student's course of study, regardless of the student's area or emphasis; and
- (3) intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess.

Sec. 2. As used in this chapter, "program" refers to a community college program established by this chapter.

Sec. 3. As used in this chapter, "vocational and technical education" means education that is:

- (1) job employment oriented; and
- (2) intended to deliver occupation specific skills that are necessary for employment.

Sec. 4. A community college program is established as a coordinated program of Vincennes University and Ivy Tech State College that:

- (1) offers a community college curriculum at various locations in Indiana; and
- (2) provides an opportunity for students to earn associate degrees that are accepted by four (4) year colleges and universities.

Sec. 5. Although the community college program is a coordinated program of Vincennes University and Ivy Tech State College, under the community college program:

- (1) each institution remains an independent entity; and
- (2) the coordinated program shall not in any way limit the independence of each institution.

Sec. 6. Vincennes University shall offer primarily the:

- (1) general education component;
 - (2) academic transfer programs; and
 - (3) developmental and remedial component;
- of the community college program curriculum.



1 **Sec. 7. Ivy Tech State College shall offer primarily the**
 2 **vocational and technical education component of the community**
 3 **college program curriculum.**

4 **Sec. 8. Vincennes University and Ivy Tech State College shall**
 5 **each offer the business and industry training component of the**
 6 **community college program curriculum on a nonduplicative basis**
 7 **that is consistent with the courses of study offered by each**
 8 **institution.**

9 **Sec. 9. A student who enrolls in a community college program**
 10 **shall elect at the time of enrollment whether, upon successful**
 11 **completion of the program, the student wishes to receive an**
 12 **associate degree from Vincennes University or from Ivy Tech State**
 13 **College.**

14 **Sec. 10. (a) The commission for higher education established by**
 15 **IC 20-12-0.5-2 shall make a community college program report to**
 16 **the state budget committee by August 1 of each year. Vincennes**
 17 **University and Ivy Tech State College shall assist the commission**
 18 **for higher education in the preparation of the report.**

19 **(b) The report described in subsection (a) must include the**
 20 **following information:**

21 **(1) Enrollment at each community college program site.**

22 **(2) Projected enrollments.**

23 **(3) Costs to students.**

24 **(4) Revenues, expenditures, and other financial information.**

25 **(5) Program information.**

26 **(6) Other information pertinent to the educational**
 27 **opportunity offered by the community college program.**

28 **SECTION 33. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY**
 29 **1, 1997 (RETROACTIVE)].**

30 **SECTION 34. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON**
 31 **PASSAGE].**

32 **SECTION 35. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1,**
 33 **1999].**

34 **SECTION 36. P.L.3-1997, SECTION 473, IS AMENDED TO**
 35 **READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION**
 36 **114. (a) As used in this SECTION, "computer system" refers to the**
 37 **computer system described in IC 3-9-4-4.**

38 **(b) Notwithstanding IC 3-9-4-4, the election division is not required**
 39 **to have the computer system operational before April 1, 1998.**

40 **(c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the**
 41 **computer system is only required to make the annual reports required**
 42 **to be filed under IC 3-9-5-10 for calendar year 1997 in searchable,**



digital form available on the Internet.

(d) Notwithstanding IC 3-9-4-4, after December 31, 1998, and before January 1, 2000, the computer system is required to ~~do only the following:~~

(1) Identify all contributors and committees that received contributions from a contributor during 1997 and 1998.

(2) Identify all candidates and committees that received contributors to a candidate or committee during 1997 and 1998.

make the reports required to be filed under IC 3-9-5 for reporting periods, including all or part of calendar years 1997 and 1998, in searchable, digital form available on the Internet.

(e) This SECTION expires January 1, 2000.

SECTION 37. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a) **This SECTION applies to a political action committee in existence on June 30, 1997, that is redefined as:**

(1) a legislative caucus committee; or

(2) a national party affiliate committee;

under IC 3-5-2, as amended by P.L.3-1997.

(b) Notwithstanding IC 3-5-2, as amended by P.L.3-1997, a legislative caucus committee or a national party affiliate committee is considered a political action committee for all purposes under IC 3 before January 1, 1998.

(c) A legislative caucus committee under this SECTION shall file a statement of organization with the election division not later than January 21, 2000, reflecting the committee's status as a legislative caucus committee.

(d) This SECTION expires December 31, 2000.

SECTION 38. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a) Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997, SECTION 176, before January 1, 1998, the treasurer of a committee listed in IC 3-9-1-1(a) is required to keep only an account of the items that were required under IC 3-9-1-23 before the amendment to IC 3-9-1-23 took effect July 1, 1997.

(b) Notwithstanding IC 3-9-2-9, as amended by P.L.3-1997, SECTION 178, a contribution transferred to the treasurer of a committee listed in IC 3-9-1-1(a) before January 1, 1998, must include only the information that was required under IC 3-9-2-9 before the amendment to IC 3-9-2-9 took effect July 1, 1997.

(c) This SECTION expires December 31, 1999.

SECTION 39. P.L.3-1997, SECTION 485, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: (a) Notwithstanding IC 3-9-4-4(a), as amended by



1 this act, an expenditure coding system developed or maintained by the
 2 election division or a county election board is not required to comply
 3 with the requirements of IC 3-9-4-4(a) before January 1, ~~1999~~ **2000**.

4 (b) The expenditure codes required under IC 3-9-4-4(a), as amended
 5 by this act, do not apply to reports required to be filed before ~~March 31,~~
 6 ~~1999~~ **January 1, 2000**.

7 (c) Notwithstanding IC 3-9-4-4(b), as amended by this act:

8 (1) the computer system maintained by the election division is not
 9 required to enable the election division to provide for electronic
 10 submission, retrieval, storage, and disclosure of campaign finance
 11 reports by candidates for legislative office and state office; and

12 (2) the election division is not required to:

13 (A) provide training at no cost to candidates for legislative
 14 office and state office; and

15 (B) suggest acceptable alternate electronic formats and
 16 programs to enable candidates for legislative office and state
 17 office to file campaign finance reports electronically;

18 before ~~July 1, 1999~~ **January 1, 2000**.

19 (d) This SECTION expires December 31, ~~1999~~ **2000**.

20 **SECTION 40. [EFFECTIVE UPON PASSAGE] (a) Not later than**
 21 **October 1, 1999, the election division shall provide to the legislative**
 22 **council a list of proposed campaign expenditure codes required to**
 23 **be developed under IC 3-9-4-4, as amended by this act. The list**
 24 **developed under this SECTION must include explanations of the**
 25 **kinds of expenditure items that would have to be accounted for**
 26 **under each proposed code, as required under IC 3-9-4-4, as**
 27 **amended by this act.**

28 **(b) This SECTION expires October 2, 1999.**

29 **SECTION 41. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 30 **SECTION, "commission" refers to the Indiana horse racing**
 31 **commission.**

32 **(b) Notwithstanding IC 4-31-14, as added by this act, the**
 33 **commission shall adopt emergency rules under IC 4-22-2-37.1**
 34 **before January 1, 2000 to implement IC 4-31-14, as added by this**
 35 **act.**

36 **(c) The commission shall cooperate with the Indiana gaming**
 37 **commission and the election division in adopting rules under this**
 38 **SECTION and in developing compiled and merged reports under**
 39 **IC 4-31-14, as added by this act.**

40 **(d) This SECTION expires July 1, 2000.**

41 **SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 42 **SECTION, "commission" refers to the Indiana gaming**



commission.

(b) Notwithstanding IC 4-33-16, as added by this act, the commission shall adopt emergency rules under IC 4-22-2-37.1 before January 1, 2000 to implement IC 4-33-16, as added by this act.

(c) The commission shall cooperate with the Indiana horse racing commission and the election division in adopting rules under this SECTION and in developing compiled and merged reports under IC 4-33-16, as added by this act.

(d) This SECTION expires July 1, 2000.

SECTION 43. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "nonduplicative location" refers to a potential site for a community college program under IC 20-12-74, as added by this act.

(b) The general assembly designates the following as nonduplicative locations:

(1) A city having a population of more than fifty-eight thousand (58,000) but less than sixty thousand (60,000).

(2) A city having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000).

(3) A city having a population of more than twenty-four thousand four hundred (24,400) but less than twenty-four thousand four hundred twenty (24,420).

(4) A city having a population of more than sixteen thousand five hundred (16,500) but less than seventeen thousand (17,000).

(5) A city having a population of more than twelve thousand (12,000) but less than twelve thousand fifty (12,050).

(6) A city having a population of more than ten thousand nine hundred fifty (10,950) but less than eleven thousand six hundred (11,600).

(7) A city having a population of more than four thousand three hundred (4,300) but less than four thousand six hundred (4,600).

(c) The state budget committee shall review, and the budget agency shall approve, the sites in Indiana where a community college program shall be offered, subject to the following:

(1) The budget agency may approve a total of not more than ten (10) sites. The budget agency must approve these sites over a period of three (3) or more calendar years.

(2) This subdivision applies in the first calendar year that the



1 budget agency approves sites for a community college
2 program. A total of three (3) sites may be approved of which:

3 (A) one (1) site must be in a consolidated city; and

4 (B) two (2) sites must be at different nonduplicative
5 locations.

6 (3) This subdivision applies in the second calendar year that
7 the budget agency approves sites for a community college
8 program. A total of three (3) sites may be approved of which:

9 (A) one (1) site must be in a city having a population of
10 more than sixty-five thousand (65,000) but less than
11 seventy-five thousand (75,000); and

12 (B) two (2) sites must be at nonduplicative locations not
13 previously approved by the budget agency for a
14 community college program.

15 (4) This subdivision applies in the third calendar year that the
16 budget agency approves sites for a community college
17 program. A total of four (4) sites may be approved of which:

18 (A) one (1) site must be in a city having a population of
19 more than forty-three thousand seven hundred (43,700)
20 but less than forty-four thousand (44,000); and

21 (B) three (3) sites must be at nonduplicative locations not
22 previously approved by the budget agency for a
23 community college program.

24 (d) This SECTION expires June 30, 2005.

25 SECTION 44. [EFFECTIVE UPON PASSAGE] (a) The lottery
26 commission may not authorize the sale of a lottery ticket from an
27 instant ticket vending machine after June 30, 1999.

28 (b) The commission shall adopt an emergency rule under
29 IC 4-30-3-9 to insure that all instant ticket vending machines in the
30 possession of lottery retailers are withdrawn from use before July
31 1, 1999.

32 (c) The commission shall settle all accounts with lottery retailers
33 and vendors concerning instant ticket vending machines before
34 August 1, 1999.

35 (d) The commission shall take possession of each instant ticket
36 vending machine before August 1, 1999.

37 SECTION 45. An emergency is declared for this act.

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-32-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. "Bona fide educational organization" means an organization that is not for pecuniary profit and that meets the following criteria:

- (1) The organization's primary purpose is educational in nature.
- (2) The organization's constitution, chapter, articles, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit educational purposes.
- (3) The organization is designed to develop the capabilities of individuals by instruction in a ~~public or~~ private:
 - (A) elementary or secondary school; or
 - (B) college or university."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 294 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 14. (a) As used in this section, "merged report" refers to the report created by the election division under IC 4-31-14-7 and IC 4-33-16-7.**

(b) As used in this section, "prohibited contributor" refers to a person that is prohibited from making a contribution under either of the following:

(1) IC 4-31-13-3.5.

(2) IC 4-33-10-2.1.

(c) A candidate or a committee may accept and retain a contribution from:

(1) a person who is not identified as a prohibited contributor on the most recent merged report; or

(2) if the person's name does appear on the most recent merged report, the contribution is received after the date of the end of the prohibited period for the person shown on the most recent merged report.

(d) A candidate or committee that accepts a contribution as provided in this section is not subject to:

(1) prosecution under:

(A) IC 4-31-13-3.5; or

(B) IC 4-33-10-2.1; or

(2) a civil penalty under:

(A) IC 4-31-13-3.9; or

(B) IC 4-33-10-2.9.

SECTION 2. IC 4-31-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

ES 294—LS 7455/DI 92+



C
o
p
y

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.
- (5) A political action committee.**

(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the permit holder.
- (2) The person is an officer of the permit holder.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.
- (4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee, **directly or indirectly**, during the following periods:

- (1) The term during which the permit holder holds a permit.
- (2) The three (3) years following the final expiration or termination of the permit holder's permit.

(i) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 3. IC 4-31-13-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 1999]: Sec. 3.7. (a) The definitions in section 3.5 of this chapter apply throughout this section.

(b) A permit holder who knowingly or intentionally does any of the following commits a Class D felony:

- (1) Fails to file a report required by IC 4-31-14.
- (2) Files an incomplete report required by IC 4-31-14.
- (3) Makes a false statement in a report required by IC 4-31-14.
- (4) Fails to update a report as required by IC 4-31-14.

(c) The commission shall do either of the following if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder has knowingly or intentionally done any act described in subsection (b)(1) through (b)(4):

- (1) Suspend the permit holder's permit for a period of not less than thirty (30) days.
- (2) Revoke the permit holder's permit.

(d) The commission shall take action under subsection (c) regardless of whether either of the following apply:

- (1) The permit holder has not been prosecuted under subsection (b).
- (2) The permit holder has been prosecuted under subsection (b) and has been found not guilty of a crime under subsection (b).

SECTION 4. IC 4-31-13-3.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.9. (a) The definitions in section 3.5 of this chapter apply throughout this section.

(b) The commission shall impose a civil penalty of not more than fifty thousand dollars (\$50,000) on a permit holder or a person with an interest in a permit holder for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder or the person with an interest in a permit holder knowingly or intentionally has violated section 3.5 of this chapter.

(c) The commission shall take action under subsection (c) regardless of whether either of the following apply:

- (1) The person has not been prosecuted under section 3.5 of this chapter.
- (2) The person has been prosecuted under section 3.5 of this chapter and has been found not guilty of a crime under section 3.5 of this chapter.



SECTION 5. IC 4-31-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Reporting Ownership Interests by Permit Holders

Sec. 1. The definitions in IC 4-31-13-3.5 apply throughout this chapter.

Sec. 2. As used in this chapter, "prohibited period" means the period during which a person may not make a contribution under IC 4-31-13-3.5.

Sec. 3. Not later than January 10 of each year, a permit holder shall report to the commission the following information relating to each person that at any time during the previous calendar year was considered to have an interest in the permit holder under IC 4-31-13-3.5:

- (1) The name of the person.
- (2) The mailing address of the person.
- (3) The date on which the person no longer had an interest in the permit holder, if the person ceased to have an interest in the permit holder during the previous calendar year.

Sec. 4. A permit holder shall report any of the following not later than five (5) business days after the event occurs:

- (1) Any change in the information required by section 3 of this chapter, including the date on which a person who had an interest in the permit holder ceased having the interest.
- (2) The name of any person who acquires an interest in the permit holder. The permit holder shall report the information about the person that the permit holder is required to report under section 3 of this chapter.

Sec. 5. The commission shall prescribe the form of the reports required by this chapter.

Sec. 6. (a) The commission shall compile the reports of permit holders filed under this chapter. The compiled report must satisfy the following:

- (1) The name and mailing address of each permit holder must be included.
- (2) The name and mailing address of each person who has an interest in the permit holder must be included.
- (3) The names of the permit holders and of persons having an interest in a permit holder must be sorted in alphabetical order.
- (4) The information for persons having an interest in a permit holder must include a field showing the name of each permit



C
O
P
Y

holder in which the person has an interest.

(5) There must be a field to indicate for each permit holder and person having an interest in a permit holder the expiration date of the prohibited period for the permit holder or person who has an interest in the permit holder. The information in this field must satisfy the following:

(A) The expiration date for a permit holder shall be shown as follows:

(i) If a determination has been made that the permit holder's permit will be revoked or will not be renewed, the expiration date shall be shown as three (3) years after the effective date of the revocation or expiration of the current permit.

(ii) If a determination has not been made that a permit holder's permit will be revoked or will not be renewed, the expiration date shall be shown as "none".

(B) The expiration date for a person who has an interest in a permit holder shall be shown as follows:

(i) If the person ceases to have an interest in the permit holder, the expiration date shall be shown as three (3) years after the date the person ceased to have the interest.

(ii) If the person did not cease to have an interest in the permit holder, the expiration date shall be shown as "none".

(6) The information relating to a person on the report must be maintained on subsequent reports until after the expiration date for the person.

(b) The commission shall compile a report under this section:

(1) not later than February 1 after the annual reports from permit holders are due; and

(2) each time any information on the current report has been changed.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to the election division by the Indiana gaming commission under IC 4-33-16.

(c) The commission, the election division, and the Indiana gaming commission shall cooperate to develop a uniform format

C
O
P
Y



for compiled and merged reports required by this chapter and IC 4-33-16.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3."

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17.

Page 3, after line 1 begin a new paragraph and insert:

"SECTION 9. IC 4-33-10-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

(5) A political action committee.

(e) As used in this section, "license" means:

- (1) an owner's license issued under this article; or
- (2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.

(f) As used in this section, "licensee" means a person who holds a license.

(g) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the

C
o
p
y



corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.

(4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee, **directly or indirectly**, during the following periods:

(1) The term during which the licensee holds a license.

(2) The three (3) years following the final expiration or termination of the licensee's license.

(k) A person who knowingly or intentionally violates this section commits a Class D felony.

SECTION 10. IC 4-33-10-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 2.7. (a) The definitions in section 2.1 of this chapter apply throughout this section.**

(b) A licensee who knowingly or intentionally does any of the following commits a Class D felony:

(1) Fails to file a report required by IC 4-33-16.

(2) Files an incomplete report required by IC 4-33-16.

(3) Makes a false statement in a report required by IC 4-33-16.

(4) Fails to update a report as required by IC 4-33-16.

(c) The commission shall do either of the following if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that a licensee has knowingly or intentionally done any act described in subsection (b)(1) through (b)(4):

(1) Suspend the licensee's license for a period of not less than thirty (30) days.

(2) Revoke the licensee's license.

(d) The commission shall take action under subsection (c) regardless of whether either of the following apply:



- (1) The licensee has not been prosecuted under subsection (b).
- (2) The licensee has been prosecuted under subsection (b) and has been found not guilty of a crime under subsection (b).

SECTION 11. IC 4-33-10-2.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 2.9.** (a) The definitions in section 2.1 of this chapter apply throughout this section.

(b) The commission shall impose a civil penalty of not more than fifty thousand dollars (\$50,000) on a licensee or a person who has an interest in a licensee for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the licensee or person who has an interest in the licensee knowingly or intentionally has violated section 2.1 of this chapter.

(c) The commission shall take action under subsection (c) regardless of whether either of the following apply:

- (1) The person has not been prosecuted under section 2.1 of this chapter.
- (2) The person has been prosecuted under section 2.1 of this chapter and has been found not guilty of a crime under section 2.1 of this chapter.

SECTION 12. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Reporting Ownership Interests by Licensed Owners

Sec. 1. The definitions in IC 4-33-10-2.1 apply throughout this chapter.

Sec. 2. As used in this chapter, "prohibited period" means the period during which a person may not make a contribution under IC 4-33-10-2.1.

Sec. 3. Not later than January 10 of each year, a licensee shall report to the commission the following information relating to each person that at any time during the previous calendar year was considered to have an interest in the licensee under IC 4-33-10-2.1:

- (1) The name of the person.
- (2) The mailing address of the person.
- (3) The date on which the person no longer had an interest in the licensee, if the person ceased to have an interest in the licensee during the previous calendar year.

Sec. 4. A licensee shall report any of the following not later than five (5) business days after the event occurs:

- (1) Any change in the information required by section 3 of this



C
o
p
y

chapter, including the date on which a person who had an interest in the licensee ceased having the interest.

(2) The name of any person who acquires an interest in the licensee. The licensee shall report the information about the person that the licensee is required to report under section 3 of this chapter.

Sec. 5. The commission shall prescribe the form of the reports required by this chapter.

Sec. 6. (a) The commission shall compile the reports of licensees filed under this chapter. The compiled report must satisfy the following:

(1) The name and mailing address of each licensee must be included.

(2) The name and mailing address of each person who has an interest in the licensee must be included.

(3) The names of the licensees and of persons having an interest in a licensee must be sorted in alphabetical order.

(4) The information for persons having an interest in a licensee must include a field showing the name of each licensee in which the person has an interest.

(5) There must be a field to indicate for each licensee and person having an interest in a licensee the expiration date of the prohibited period for the licensee or person who has an interest in the licensee. The information in this field must satisfy the following:

(A) The expiration date for a licensee shall be shown as follows:

(i) If a determination has been made that the licensee's license will be revoked or will not be renewed, the expiration date shall be shown as three (3) years after the effective date of the revocation or expiration of the current license.

(ii) If a determination has not been made that a licensee's license will be revoked or will not be renewed, the expiration date shall be shown as "none".

(B) The expiration date for a person who has an interest in a licensee shall be shown as follows:

(i) If the person ceases to have an interest in the licensee, the expiration date shall be shown as three (3) years after the date the person ceased to have the interest.

(ii) If the person did not cease to have an interest in the licensee, the expiration date shall be shown as "none".



C
O
P
Y

(6) The information relating to a person on the report must be maintained on subsequent reports until after the expiration date for the person.

(b) The commission shall compile a report under this section:

- (1) not later than February 1 after the annual reports from permit holders are due; and
- (2) each time any information on the current report has been changed.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to the election division by the Indiana horse racing commission under IC 4-31-14.

(c) The commission, the election division, and the Indiana horse racing commission shall cooperate to develop a uniform format for compiled and merged reports required by this chapter and IC 4-31-14.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

SECTION 13. IC 20-12-74 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 74. Community College Program

Sec. 1. As used in this chapter, "general education" means education that is:

- (1) not directly related to a student's formal technical, vocational, or professional preparation;
- (2) a part of every student's course of study, regardless of the student's area or emphasis; and
- (3) intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess.

Sec. 2. As used in this chapter, "program" refers to a community college program established by this chapter.



C
O
P
Y

Sec. 3. As used in this chapter, "vocational and technical education" means education that is:

- (1) job employment oriented; and
- (2) intended to deliver occupation specific skills that are necessary for employment.

Sec. 4. A community college program is established as a coordinated program of Vincennes University and Ivy Tech State College that:

- (1) offers a community college curriculum at various locations in Indiana; and
- (2) provides an opportunity for students to earn associate degrees that are accepted by four (4) year colleges and universities.

Sec. 5. Although the community college program is a coordinated program of Vincennes University and Ivy Tech State College, under the community college program:

- (1) each institution remains an independent entity; and
- (2) the coordinated program shall not in any way limit the independence of each institution.

Sec. 6. Vincennes University shall offer primarily the:

- (1) general education component;
- (2) academic transfer programs; and
- (3) developmental and remedial component;

of the community college program curriculum.

Sec. 7. Ivy Tech State College shall offer primarily the vocational and technical education component of the community college program curriculum.

Sec. 8. Vincennes University and Ivy Tech State College shall each offer the business and industry training component of the community college program curriculum on a nonduplicative basis that is consistent with the courses of study offered by each institution.

Sec. 9. A student who enrolls in a community college program shall elect at the time of enrollment whether, upon successful completion of the program, the student wishes to receive an associate degree from Vincennes University or from Ivy Tech State College.

Sec. 10. (a) The commission for higher education established by IC 20-12-0.5-2 shall make a community college program report to the state budget committee by August 1 of each year. Vincennes University and Ivy Tech State College shall assist the commission for higher education in the preparation of the report.



(b) The report described in subsection (a) must include the following information:

- (1) Enrollment at each community college program site.
- (2) Projected enrollments.
- (3) Costs to students.
- (4) Revenues, expenditures, and other financial information.
- (5) Program information.
- (6) Other information pertinent to the educational opportunity offered by the community college program.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 4-31-13-3.5 and IC 4-33-10-2.1, as amended by this act, and IC 4-33-14 and IC 4-33-16, as added by this act, apply throughout this SECTION.

(b) Notwithstanding IC 4-31-14, as added by this act, each permit holder shall report the information required by IC 4-31-14, as added by this act, to the Indiana horse racing commission not later than July 9, 1999. The information reported must be current as of June 30, 1999. The commission shall:

- (1) compile all reports made under this subsection; and
- (2) send the first compiled report to the election division;

not later than August 1, 1999.

(c) Notwithstanding IC 4-33-16, as added by this act, each licensee shall report the information required by IC 4-33-16, as added by this act, to the Indiana gaming commission not later than July 9, 1999. The information reported must be current as of June 30, 1999. The commission shall:

- (1) compile all reports made under this subsection; and
- (2) send the first compiled report to the election division;

not later than August 1, 1999.

(d) The election division shall do the following not later than September 1, 1999:

- (1) Merge the compiled reports required by subsections (b) and (c).
- (2) Make the first merged report available to the general public through an on-line service.

(e) This SECTION expires January 1, 2000.

SECTION 15. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "nonduplicative location" refers to a potential site for a community college program under IC 20-12-74, as added by this act.

(b) The general assembly designates the following as nonduplicative locations:



C
o
p
y

(1) A city having a population of more than fifty-eight thousand (58,000) but less than sixty thousand (60,000).

(2) A city having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000).

(3) A city having a population of more than twenty-four thousand four hundred (24,400) but less than twenty-four thousand four hundred twenty (24,420).

(4) A city having a population of more than sixteen thousand five hundred (16,500) but less than seventeen thousand (17,000).

(5) A city having a population of more than twelve thousand (12,000) but less than twelve thousand fifty (12,050).

(6) A city having a population of more than ten thousand nine hundred fifty (10,950) but less than eleven thousand six hundred (11,600).

(7) A city having a population of more than four thousand three hundred (4,300) but less than four thousand six hundred (4,600).

(c) The state budget committee shall review, and the budget agency shall approve, the sites in Indiana where a community college program shall be offered, subject to the following:

(1) The budget agency may approve a total of not more than ten (10) sites. The budget agency must approve these sites over a period of three (3) or more calendar years.

(2) This subdivision applies in the first calendar year that the budget agency approves sites for a community college program. A total of three (3) sites may be approved of which:

(A) one (1) site must be in a consolidated city; and

(B) two (2) sites must be at different nonduplicative locations.

(3) This subdivision applies in the second calendar year that the budget agency approves sites for a community college program. A total of three (3) sites may be approved of which:

(A) one (1) site must be in a city having a population of more than sixty-five thousand (65,000) but less than seventy-five thousand (75,000); and

(B) two (2) sites must be at nonduplicative locations not previously approved by the budget agency for a community college program.

(4) This subdivision applies in the third calendar year that the budget agency approves sites for a community college



C
o
p
y

program. A total of four (4) sites may be approved of which:

(A) one (1) site must be in a city having a population of more than forty-three thousand seven hundred (43,700) but less than forty-four thousand (44,000); and

(B) three (3) sites must be at nonduplicative locations not previously approved by the budget agency for a community college program.

(d) This SECTION expires June 30, 2005.

SECTION 16. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 294 as printed February 12, 1999.)

BAUER, Chair

Committee Vote: yeas 14, nays 12.

C
o
p
y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 294 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"(j) The attorney general may, in the attorney general's discretion, issue an official opinion at the request of a permit holder regarding whether a particular person has an interest in the permit holder under this section. If the attorney general issues an opinion under this subsection, the following may rely on any conclusions of the attorney general's opinion for purposes of this section:

- (1) The permit holder.**
- (2) Any person identified in the request for the opinion.**
- (3) Any candidate.**
- (4) Any committee.**
- (5) The commission."**

Page 8, between lines 19 and 20, begin a new paragraph and insert:

"(l) The attorney general may, in the attorney general's discretion, issue an official opinion at the request of a permit holder regarding whether a particular person has an interest in the permit holder under this section. If the attorney general issues an opinion under this subsection, the following may rely on any conclusions of the attorney general's opinion for purposes of this section:

- (1) The permit holder.**
- (2) Any person identified in the request for the opinion.**
- (3) Any candidate.**
- (4) Any committee.**
- (5) The commission."**

(Reference is to ESB 294 as printed April 6, 1999.)

BAUER



C
o
p
y

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 294 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

Page 2, line 10, delete "IC 4-31-13-3.9" and insert "**IC 4-31-14**".

Page 2, line 11, delete "IC 4-33-10-2.9" and insert "**IC 4-33-16**".

Page 3, between lines 10 and 11, begin a new line block indented and insert:

"(1) If the person is a permit holder, during the following periods:".

Page 3, line 11, before "(1)" begin a new line double block indented.

Page 3, line 11, strike "(1)" and insert "**(A)**".

Page 3, line 12, before "(2)" begin a new line double block indented.

Page 3, line 12, strike "(2)" and insert "**(B)**".

Page 3, between lines 13 and 14, begin a new line block indented and insert:

"(2) If the person is a person considered to have an interest in a permit holder under subsection (f), during the following periods:

(A) The period during which the person is considered to have an interest in the permit holder under subsection (f).

(B) The three (3) years following the date the person ceases to have an interest in the permit holder under subsection (f)."

Page 3, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 4. IC 4-31-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Reporting Ownership Interests by Permit Holders

Sec. 1. The definitions in IC 4-31-13-3.5 apply throughout this chapter.

Sec. 2. As used in this chapter, "prohibited period" means the period during which a person may not make a contribution under IC 4-31-13-3.5.

Sec. 3. Each year, a permit holder shall report to the commission the following information relating to each person that at any time during the previous calendar year was considered to have an interest in the permit holder under IC 4-31-13-3.5:

(1) The name of the person.

ES 294—LS 7455/DI 92+



C
o
p
y

- (2) The mailing address of the person.
- (3) The date on which the person no longer had an interest in the permit holder, if the person ceased to have an interest in the permit holder during the previous calendar year.
- (4) Other information required by the commission's rules.

Sec. 4. The commission's rules shall require a permit holder to update information required by section 3 of this chapter.

Sec. 5. The commission shall prescribe the form of the reports required by this chapter.

Sec. 6. (a) The commission shall compile the reports of permit holders filed under this chapter. The compiled report must satisfy the following:

- (1) The report must identify each permit holder.
- (2) The report must identify each person that has an interest in a permit holder.
- (3) The report must be easily searchable to determine whether a particular person is a permit holder or a person who has an interest in the permit holder.
- (4) For each permit holder and person who has an interest in the permit holder, the report must indicate the expiration date of the prohibited period for the permit holder or person who has an interest in the permit holder.
- (5) The information relating to a person on the report must be maintained on subsequent reports until after the expiration date for the person.
- (b) The commission shall compile a report under this section:
 - (1) as required under rules adopted by the commission;
 - (2) in coordination with:
 - (A) reports compiled under IC 4-33-16; and
 - (B) the merged report made by the election division under section 7 of this chapter; and
 - (3) to permit candidates, committees, and the public to obtain accurate and current information regarding permit holders and persons who have an interest in a permit holder.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to the election division by the Indiana gaming commission under IC 4-33-16.

(c) The commission, the election division, and the Indiana

C
O
P
Y



gaming commission shall cooperate to develop a uniform format for compiled and merged reports required by this chapter and IC 4-33-16.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to impose sanctions on a permit holder if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder has knowingly or intentionally done any of the following:

- (1) Fails to file a report as required by this chapter or rules adopted under this chapter.
- (2) Files an incomplete report as required by this chapter or rules adopted under this chapter.
- (3) Makes a false statement in a report required by this chapter or rules adopted under this chapter.
- (4) Fails to update a report as required by this chapter or filed under this chapter.
- (5) Otherwise violates this chapter or rules adopted under this chapter.

(b) The commission shall impose sanctions on a permit holder or a person with an interest in a permit holder for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the permit holder or the person with an interest in a permit holder knowingly or intentionally has violated section 3.5 of this chapter.

(c) The rules adopted under this section may provide for imposition of any of the following sanctions:

- (1) A civil penalty of not less than five thousand dollars (\$5,000) and not more than five hundred thousand dollars (\$500,000).
- (2) Suspension of a permit holder's permit for a period of not less than thirty (30) days.
- (3) Revocation of a permit holder's permit.

(d) The commission's rules may provide that the severity of a sanction may depend on any of the following:



- (1) The nature of the violation as provided in the rules.
- (2) The number of violations as provided in the rules.
- (3) Other factors the commission considers just.

(e) The commission shall take action under this section regardless of whether either of the following apply:

- (1) The person to be sanctioned has not been prosecuted under IC 4-31-13-3.5 or IC 4-31-13-3.7.
- (2) The person to be sanctioned has been prosecuted under IC 4-31-13-3.5 or IC 4-31-13-3.7 and has been found not guilty of a crime under either of those statutes.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter."

Delete pages 4 through 5.

Page 6, delete lines 1 through 27.

Page 8, between lines 14 and 15, begin a new line block indented and insert:

"(1) If the person is a licensee, during the following periods:"

Page 8, line 15, before "(1)" begin a new line double block indented.

Page 8, line 15, strike "(1)" and insert "(A)".

Page 8, line 16, before "(2)" begin a new line double block indented.

Page 8, line 16, strike "(2)" and insert "(B)".

Page 8, between lines 17 and 18, begin a new line block indented and insert:

"(2) If the person is a person considered to have an interest in a licensee under subsection (h), during the following periods:

(A) The period during which the person is considered to have an interest in the licensee under subsection (h).

(B) The three (3) years following the date the person ceases to have an interest in the licensee under subsection (h)."

Page 8, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 4. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Reporting Ownership Interests by Licensees

Sec. 1. The definitions in IC 4-33-10-2.1 apply throughout this chapter.

Sec. 2. As used in this chapter, "prohibited period" means the period during which a person may not make a contribution under IC 4-33-10-2.1.

Sec. 3. Each year, a licensee shall report to the commission the following information relating to each person that at any time

C
O
P
Y



during the previous calendar year was considered to have an interest in the licensee under IC 4-33-10-2.1:

- (1) The name of the person.
- (2) The mailing address of the person.
- (3) The date on which the person no longer had an interest in the licensee, if the person ceased to have an interest in the licensee during the previous calendar year.
- (4) Other information required by the commission's rules.

Sec. 4. The commission's rules shall require a licensee to update information required by section 3 of this chapter.

Sec. 5. The commission shall prescribe the form of the reports required by this chapter.

Sec. 6. (a) The commission shall compile the reports of licensee filed under this chapter. The compiled report must satisfy the following:

- (1) The report must identify each licensee.
- (2) The report must identify each person that has an interest in a licensee.
- (3) The report must be easily searchable to determine whether a particular person is a licensee or a person who has an interest in a licensee.
- (4) For each licensee and person who has an interest in the licensee, the report must indicate the expiration date of the prohibited period for the licensee or person who has an interest in the licensee.
- (5) The information relating to a person on the report must be maintained on subsequent reports until after the expiration date for the person.
- (b) The commission shall compile a report under this section:
 - (1) as required under rules adopted by the commission;
 - (2) in coordination with:
 - (A) reports compiled under IC 4-31-14; and
 - (B) the merged report made by the election division under section 7 of this chapter; and
 - (3) to permit candidates, committees, and the public to obtain accurate and current information regarding licensees and persons who have an interest in a licensee.

Sec. 7. (a) The commission shall send an electronic copy of each report compiled under section 6 of this chapter to the election division.

(b) The election division shall merge a report sent by the commission under this section with the most recent report sent to

C
O
P
Y



the election division by the Indiana horse racing commission under IC 4-31-14.

(c) The commission, the election division, and the Indiana gaming commission shall cooperate to develop a uniform format for compiled and merged reports required by this chapter and IC 4-31-14.

(d) The election division shall make merged reports available to the general public through an on-line service.

Sec. 8. (a) Each report, compiled report, and merged report required by this chapter is a public record subject to public inspection and copying under IC 5-14-3.

(b) The commission and the election division shall provide paper copies of compiled and merged reports respectively to the public, subject to copying charges permitted by IC 5-14-3.

Sec. 9. (a) The commission shall adopt rules under IC 4-22-2 to impose sanctions on a licensee if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the licensee has knowingly or intentionally done any of the following:

- (1) Fails to file a report as required by this chapter or rules adopted under this chapter.
- (2) Files an incomplete report as required by this chapter or rules adopted under this chapter.
- (3) Makes a false statement in a report required by this chapter or rules adopted under this chapter.
- (4) Fails to update a report as required by this chapter or filed under this chapter.
- (5) Otherwise violates this chapter or rules adopted under this chapter.

(b) The commission shall impose sanctions on a licensee or a person with an interest in a licensee for each violation if the commission finds by a preponderance of the evidence after a hearing conducted under IC 4-21.5 that the licensee or the person with an interest in a licensee knowingly or intentionally has violated section 2.1 of this chapter.

(c) The rules adopted under this section may provided for imposition of any of the following sanctions:

- (1) A civil penalty of not less than five thousand dollars (\$5,000) and not more than five hundred thousand dollars (\$500,000).
- (2) Suspension of a licensee's license for a period of not less than thirty (30) days.



C
o
p
y

(3) Revocation of a licensee's license.

(d) The commission's rules may provide that the severity of a sanction may depend on any of the following:

- (1) The nature of the violation as provided in the rules.**
- (2) The number of violations as provided in the rules.**
- (3) Other factors the commission considers just.**

(e) The commission shall take action under this section regardless of whether either of the following apply:

- (1) The person to be sanctioned has not been prosecuted under IC 4-33-10-2.1 or IC 4-33-10-2.9.**
- (2) The person to be sanctioned has been prosecuted under IC 4-33-10-2.1 or IC 4-33-10-2.9 and has been found not guilty of a crime under either of those statutes.**

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter."

Delete pages 9 through 10.

Page 11, delete lines 1 through 25.

Page 13, delete lines 8 through 34, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana horse racing commission.

(b) Notwithstanding IC 4-31-14, as added by this act, the commission shall adopt emergency rules under IC 4-22-2-37.1 before January 1, 2000 to implement IC 4-31-14, as added by this act.

(c) The commission shall cooperate with the Indiana gaming commission and the election division in adopting rules under this SECTION and in developing compiled and merged reports under IC 4-31-14, as added by this act.

(d) This SECTION expires July 1, 2000.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana gaming commission.

(b) Notwithstanding IC 4-33-16, as added by this act, the commission shall adopt emergency rules under IC 4-22-2-37.1 before January 1, 2000 to implement IC 4-33-16, as added by this act.

(c) The commission shall cooperate with the Indiana horse racing commission and the election division in adopting rules under this SECTION and in developing compiled and merged reports under IC 4-33-16, as added by this act.



(d) This SECTION expires July 1, 2000."

Renumber all SECTIONS consecutively.

(Reference is to ESB 294 as printed April 6, 1999.)

BAUER

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 294 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration."

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 2.5. "Auxiliary party organization" means an organization located within or outside Indiana that:

- (1) is affiliated with a political party;
- (2) proposes to influence the election of a candidate for state, legislative, local, or school board office, or the outcome of a public question; and
- (3) has not:
 - (A) had an annual budget of five thousand dollars (\$5,000) or more in at least one (1) of the last two (2) years; or
 - (B) made a contribution of more than ~~five hundred dollars (\$500)~~ **one thousand dollars (\$1,000)** to another committee or to a candidate.

SECTION 2. IC 3-5-2-32.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.7. "Nomination date" refers to the following:

- (1) For candidates nominated in a primary election, the date of the primary election.
- (2) For candidates nominated in a convention, the date of the convention **is scheduled to be called to order, according to the call of the convention issued by the political party.**
- (3) **For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15 or IC 3-13-2-8.**
- (4) For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under



C
o
p
y

IC 3-8-6-10(c).

(5) For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.

SECTION 3. IC 3-5-2-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Except as provided in subsection (b), "political action committee" means an organization located within or outside Indiana that satisfies all of the following:

- (1) ~~The organization is not:~~
 - ~~(A) affiliated with a political party; or~~
 - ~~(B) a candidate's committee.~~
- ~~(2)~~ The organization proposes to influence:
 - (A) the election of a candidate for state, legislative, local, or school board office; or
 - (B) the outcome of a public question.
- ~~(3)~~ **(2)** The organization accepts contributions or makes expenditures during a calendar year:
 - (A)** to influence the election of a candidate for state, legislative, local, or school board office or the outcome of a public question that will appear on the ballot in Indiana; **and**
 - (B)** that in the aggregate exceed one hundred dollars (\$100).
- ~~(4)~~ **(3)** The organization is not any of the following:
 - (A) An auxiliary party organization.
 - (B) A legislative caucus committee.
 - (C) A regular party committee.
 - (D) A candidate's committee.

(b) A corporation or labor organization that makes a contribution in accordance with IC 3-9-2 or makes an expenditure is not considered a political action committee.

SECTION 4. IC 3-9-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A committee must include in its statement of organization the following:

- (1) The name and address of the committee.
- (2) The purpose for which the committee is formed, **unless the committee is a candidate's committee that identifies a specific office sought by the candidate.**
- (3) The name and address of the chairman and treasurer.
- (4) If applicable, the name, address, office sought, and political party affiliation or independent status of each candidate whom the committee is supporting.
- (5) If the committee is **a legislative caucus committee, political action committee, or regular party committee and is**



supporting the entire ticket of a political party, the name of the party.

(6) If the committee is **a political action committee** supporting or opposing a public question, a brief statement of the question supported or opposed.

(7) A listing of all banks, safety deposit boxes, and other depositories used.

(8) Other information prescribed by the commission under IC 3-6-4.1-14(a)(3).

SECTION 5. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A committee may disband at any time **in the manner prescribed by this section.**

(b) **The commission or a county election board may administratively disband a committee in the manner prescribed by this section.**

(c) **The commission has exclusive jurisdiction to disband any of the following:**

- (1) **A candidate's committee for state office.**
- (2) **A candidate's committee for legislative office.**
- (3) **A legislative caucus committee.**
- (4) **A political action committee that has filed a statement or report with the election division.**
- (5) **A regular party committee that has filed a statement or report with the election division.**

(d) **A county election board has exclusive jurisdiction to disband any of the following:**

- (1) **A candidate's committee for a local office.**
- (2) **A candidate's committee for a school board office.**
- (3) **A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.**
- (4) **A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.**

(e) **The commission or a county election board may administratively disband a committee in the following manner:**

- (1) **Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.**
- (2) **If the election division or county election board determines that a committee:**



C
O
P
Y

(A) has not filed any report of expenditures during the previous three (3) calendar years;

(B) owes no debts to any person other than:

(i) a civil penalty assessed by the commission or board;
or

(ii) to an individual who was a candidate and also serves as the chairman or treasurer of the candidate's committee if the committee filed a report under this article; and

(C) last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000) if the committee filed a report under this article;

the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee and waiving any outstanding civil penalty previously imposed by the commission or board if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.

(C) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

(5) The election division shall arrange for the publication of an order administratively disbanding a committee in the Indiana Register. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(6) An order issued under this subsection takes effect

C
O
P
Y



immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution ~~and~~ or transfer of funds does not relieve the committee or ~~its~~ **the committee's** members from civil or criminal liability.

SECTION 6. IC 3-9-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. **(a)** A member of a committee that has appointed a treasurer in accordance with this chapter may solicit or receive contributions as long as the member immediately turns over the contributions without diminution to the treasurer of the committee, to be disbursed and accounted for by the treasurer as provided by this article. The treasurer shall show, in the treasurer's account and statement and in addition to the requirements of IC 3-9-5, through what member of the committee any contributions were received.

(b) A contribution is considered to be received and accepted by a committee when any member of the committee:

(1) has physical possession of the contribution; and

(2) manifests an intent to keep the contribution by depositing the contribution, subject to IC 3-9-5-14(c).

SECTION 7. IC 3-9-1-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.5. **For purposes of this article, a person makes a contribution during the calendar year in which the person relinquishes control over the contribution by:**

(1) depositing the contribution in the United States mail; or

(2) transferring the contribution to any other person who has been directed to convey the contribution to the person



intended to be the recipient of the contribution.

SECTION 8. IC 3-9-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. An individual may not ~~make~~ **solicit** or receive a contribution in violation of the following statutes:

- (1) IC 4-23-7-3.5 (Indiana Library and Historical Department).
- (2) IC 4-23-7.1-38 (Indiana State Library).
- (3) IC 4-23-7.2-17 (Indiana Historical Bureau).
- (4) IC 8-23-2-3 (Indiana Department of Transportation).
- (5) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 10. IC 3-9-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 4. (a) The election division shall develop a filing **and** coding **and** ~~cross-indexing~~ system consistent with the purposes of this article. The election division and each county election board shall use the filing **and** coding **and** ~~cross-indexing~~ system. The coding system must provide:

- (1) **not more than ten (10)** codes to account for various campaign expenditure items; and
- (2) a clear explanation of the kinds of expenditure items that must be accounted for under each code.

(b) The election division shall develop and use a computer system to store campaign finance reports required to be filed under IC 3-9-5-6, ~~and~~ IC 3-9-5-10, **and IC 3-9-5-20.1**. The computer system must enable the election division to do the following:

- (1) Identify all candidates or committees that received contributions from a contributor over the past three (3) years.
- (2) Identify all contributors to a candidate or committee over the past three (3) years.
- (3) Provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports of candidates for the following:
 - (A) Legislative office.
 - (B) State office.

The election division shall provide training at no cost to candidates to enable candidates described in this subdivision to file campaign finance reports electronically.

(c) This subsection applies to an electronic submission under subsection (b)(3). An electronic submission must be in a format previously approved by the commission that permits the election

C
o
p
y



division to print out a hard copy of the report upon the receipt of the electronic submission from the candidate. Filing of a report occurs under IC 3-5-2-24.5 when the hard copy is printed out and the election division records the date and time of the printout on the hard copy. If a discrepancy exists between the text of the electronic submission and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) The election division is not required to accept an electronic submission unless the submission complies with subsection (b)(3). Upon receiving approval from the commission, the election division may accept an electronic submission from candidates, committees, or persons described in subsection (b)(3).

(e) The election division shall make campaign finance reports stored on the computer system under subsection (b) available to the general public through an on-line service.

SECTION 11. IC 3-9-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The election division and each county election board shall do all of the following:

(1) Ascertain whether candidates, committees, or other persons have:

- (A) failed to file statements of organization or reports; or ~~have~~
- (B) filed defective statements of organization or reports.

(2) Give the following notices:

- (A) To delinquents to file a statement of organization or a report immediately upon receipt of the notice. A delinquency notice must be given not later than thirty (30) days after ~~each election; the date the report was required to be filed.~~ The ~~commission~~ **election division** or a county election board may, but is not required to, give delinquency notices at other times.
- (B) To persons filing defective reports to make a supplemental statement or report correcting all defects not later than noon five (5) calendar days after receipt of the notice.

(3) Make available for public inspection a list of delinquents and persons who have failed to file the required supplemental statement or report. The election division and each county election board shall post a list of delinquents in a public place at or near the entrance of the commission's or board's respective offices.

(b) The election division shall mail:

- (1) to each candidate ~~and treasurer of the candidate's committee;~~ **required to file a campaign finance report with the election**



division; and

(2) twenty-one (21) days before the campaign finance reports are due;

the proper campaign finance report forms and a notice that states the date the campaign finance reports are due. The election division is required to mail notices and forms only to candidates for state offices and legislative offices. A county election board may, but is not required to, implement this subsection for candidates for local offices.

(c) Notwithstanding any notice given to a delinquent under subsection (a) or (b), the delinquent remains liable for a civil penalty in the full amount permitted under this chapter for failing to file a campaign finance report or statement of organization not later than the date and time prescribed under this article.

SECTION 12. IC 3-9-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "delinquent **or defective** report" refers to a campaign finance report **or statement of organization**:

(1) that was required to be filed under IC 3-9-5 but was not filed in the manner required under IC 3-9-5; and

(2) for which a person was assessed a civil penalty under section 16 or 17 of this chapter.

(b) As used in this section, "election board" refers to the following:

(1) The commission if a civil penalty was assessed under section 16 of this chapter.

(2) The county election board if a civil penalty was assessed under section 17 of this chapter.

(c) As used in this section, "person" refers to a person who:

(1) has been assessed a civil penalty under section 16 or 17 of this chapter; and

(2) has filed a declaration of candidacy, a petition of nomination, or a declaration of intent to be a write-in candidate in a subsequent election or for whom a certificate of nomination has been filed.

(d) A person who does both of the following is relieved from further civil liability under this chapter for the delinquent **or defective** report:

(1) Files the delinquent report **or amends the defective report** from the previous candidacy:

(A) before filing a report required under IC 3-9-5-6; or

(B) at the same time the person files the report required under IC 3-9-5-6;

for a subsequent candidacy.

(2) Pays all civil penalties assessed under section 16 or 17 of this

C
O
P
Y



chapter for the delinquent report.

- (e) This subsection applies to a person who:
 - (1) is assessed a civil penalty under this chapter; and
 - (2) is elected to office in the subsequent election.

The election board may order the auditor of state or the fiscal officer of the political subdivision responsible for issuing the person's payment for serving in office to withhold from the person's paycheck the amount of the civil penalty assessed under this chapter. If the amount of the paycheck is less than the amount of the civil penalty, the auditor **or fiscal officer** shall continue withholding money from the person's paycheck until an amount equal to the amount of the civil penalty has been withheld.

(f) The auditor of state or fiscal officer shall deposit an amount **paid, recovered, or** withheld under this section in the election board's campaign finance enforcement account.

(g) Proceedings of the election board under this section are subject to IC 4-21.5.

SECTION 13. IC 3-9-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 6. (a) **This subsection applies to a candidate's committee.** Except as otherwise provided in this chapter, each committee, ~~its the committee's~~ treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before the nomination date.
- (2) Twenty-five (25) days before the general, ~~or~~ municipal, **or special** election.
- (3) The annual report filed and dated as required by section 10 of this chapter.

(b) ~~In the case of a special election, each committee, each committee's treasurer, and each candidate shall complete a report required by this chapter current as of twenty-five (25) days before the special election. This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:~~

- (1) Twenty-five (25) days before a primary election.
 - (2) Twenty-five (25) days before a general, municipal, or special election.
 - (3) The date of the annual report filed and dated as required under section 10 of this chapter.
- (c) **This subsection applies to a legislative caucus committee.**



C
O
P
Y

Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

SECTION 14. IC 3-9-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~Persons~~ **A person** may deliver reports to the appropriate office as follows:

- (1) By hand.
- (2) By mail.
- (3) By electronic mail, if the appropriate office has the capacity to:
 - (A) receive electronic mail; and
 - (B) **print out a hard copy of the report immediately upon the receipt of the electronic mail by the office.**

(b) Reports must be filed as follows:

- (1) Hand delivered reports **or reports transmitted by mail** must be ~~received by~~ **filed with** the appropriate office during regular office hours not later than noon seven (7) days after the date of the report.
- (2) Reports delivered by electronic mail must be received by the appropriate office not later than noon seven (7) days after the date of the report.
- (3) ~~Reports that are mailed must be postmarked not later than noon seven (7) days after the date of the report.~~



C
O
P
Y

(c) This subsection applies to a report delivered by electronic mail. Filing of a report occurs under IC 3-5-2-24.5 when the hard copy is printed out and the office records the date and time of the printout on the report. If a discrepancy exists between the text of the electronic mail and the printed report, the text of the printed report prevails until an amendment is filed under this article to correct the discrepancy.

(d) An office is not required to accept a report or statement required under this article by facsimile transmission. Upon approval of a policy by the commission or a county election board to receive reports or statements by facsimile transmission, the election division or the county election board may accept the facsimile transmission of a report or statement.

SECTION 15. IC 3-9-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **This section applies to a candidate for nomination to an office in a state convention who**

~~(1) becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention. and~~

~~(2) does~~ (b) **A candidate is not required to file the required a report in accordance with section 7 section 6(a)(1) of this chapter. The candidate shall file the candidate's first report no not later than noon twenty (20) days after the nomination date for a candidate chosen at a state convention.**

~~(b) (c)~~ (c) **The reporting period for a the first report required under this section for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the state convention.**

SECTION 16. IC 3-9-5-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.2. (a) **This section applies to a candidate who is nominated by petition under IC 3-8-6.**

(b) **A candidate is not required to prepare or file a report before the nomination date.**

(c) **The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.**

SECTION 17. IC 3-9-5-8.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.4. (a) **This section applies to a candidate who files a declaration of intent to be a write-in candidate under IC 3-8-2.**

(b) **A candidate is not required to prepare or file a report before**



C
o
p
y

the nomination date.

(c) **The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.**

SECTION 18. IC 3-9-5-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section applies to a candidate who is selected to fill a vacancy on the ballot under IC 3-13-1 or IC 3-13-2.

(b) **A candidate is not required to prepare or file a report before the nomination date.**

(c) **Except as provided in subsection (d), the reporting period for the candidate's committee first report required for a candidate begins on the date that the individual became a candidate and ends ~~twenty-five (25)~~ fourteen (14) days before after the election: nomination date.**

(d) **This subsection applies to a candidate selected under IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required to prepare or file a report before or after the nomination date. The period for the first report required for a candidate begins on the date that the individual became a candidate and ends December 31 following the election.**

SECTION 19. IC 3-9-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: Sec. 14. (a) As used in this section, "threshold contribution amount" refers to the following:

- (1) For contributions made to a candidate's committee, a legislative caucus committee, or a political action committee, one hundred dollars (\$100).
- (2) For contributions made to a regular party committee, two hundred dollars (\$200).

(b) The report of each committee's treasurer must disclose the following:

- (1) The amount of cash on hand and the value of any investments made by the committee at the beginning of the reporting period.
- (2) The total sum of individual contributions including transfers-in, accepted by the committee during its reporting period.
- (3) The following information regarding each person who has made one (1) or more contributions within the year, in an aggregate amount that exceeds the threshold contribution amount in actual value to or for the committee, including the purchase of tickets for events such as dinners, luncheons, rallies, and similar



C
O
P
Y

fundraising events:

- (A) The full name of the person.
 - (B) The full mailing address of the person making the contribution.
 - (C) The person's occupation, if the person is an individual who has made contributions **to the committee** of at least one thousand dollars (\$1,000) during the calendar year.
 - (D) The date and amount of each contribution.
- (4) The name and address of each committee from which the reporting committee received, or to which that committee made, a transfer of funds, together with the amounts and dates of all transfers.
- (5) If the reporting committee is a candidate's committee, the following information about each other committee that has reported expenditures to the reporting candidate's committee under section 15 of this chapter:
- (A) The name and address of the other committee.
 - (B) The amount of expenditures reported by the other committee.
 - (C) The date of the expenditures reported by the other committee.
 - (D) The purpose of the expenditures reported by the other committee.
- (6) Each loan to or from a person within the reporting period together with the following information:
- (A) The full names and mailing addresses of the lender and endorsers, if any.
 - (B) The person's occupation, if the person is an individual who has made loans of at least one thousand dollars (\$1,000) **to the committee** during the calendar year.
 - (C) The date and amount of the loans.
- (7) The total sum of all receipts of the committee during the reporting period.
- (8) The full name, mailing address, occupation, and principal place of business, if any, of each person other than a committee to whom an expenditure was made by the committee or on behalf of the committee within the year in an aggregate amount that:
- (A) exceeds one hundred dollars (\$100), in the case of a candidate's committee, **legislative caucus committee**, or political action committee; or
 - (B) exceeds two hundred dollars (\$200), in the case of a regular party committee.

C
O
P
Y



(9) The name, address, and office sought by each candidate for whom any expenditure was made or a statement identifying the public question for which any expenditure was made, including the amount, date, and purpose of each expenditure.

(10) The full name, mailing address, occupation, and principal place of business, if any, of each person to whom an expenditure for personal services, salaries, or reimbursed expenses was made within the year in an aggregate amount that:

(A) exceeds one hundred dollars (\$100), in the case of a candidate's committee, **legislative caucus committee**, or political action committee; or

(B) exceeds two hundred dollars (\$200), in the case of a regular party committee;

and that is not otherwise reported, including the amount, date, and purpose of the expenditure.

(11) The total sum of expenditures made by the committee during the reporting period.

(12) The amount and nature of debts owed by or to the committee, and a continuous reporting of the debts after the election at the times ~~that the board requires~~ **required under this article** until the debts are extinguished.

(c) If a committee:

(1) obtains a contribution;

(2) determines that the contribution should not be accepted by the committee; and

(3) does not receive and accept the contribution under IC 3-9-1-25(b);

the committee must return the contribution to the person who made the contribution. A returned contribution is not required to be listed on the report of the committee's treasurer. However, if the committee receives and deposits the contribution under IC 3-9-1-25(b) and subsequently determines that the contribution should be refunded, the receipt and refund of the contribution must be listed on the report of the committee's treasurer.

SECTION 20. IC 3-9-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:

Sec. 16. (a) This subsection applies to a candidate's committee **of a candidate whose name does not appear on the ballot at any time during a year and who is not a write-in candidate during that year.** The reports required to be filed by this chapter are cumulative during the year. If no contributions or expenditures have been accepted or made during a year, the treasurer of the candidate's committee shall file



C
O
P
Y

a statement to that effect.

(b) This subsection applies to a political action committee or a regular party committee. If a committee has not received or made contributions or expenditures, the committee shall file a report under section 6 of this chapter stating that no contributions or expenditures have been received or made.

SECTION 21. IC 3-9-5-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20.1. (a) This section applies only to a large contribution that satisfies all of the following:**

(1) The contribution is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee.

(2) The contribution is received:

(A) not more than twenty-five (25) days before an election; and

(B) not less than forty-eight (48) hours before an election.

(b) As used in this section, "election" refers to any of the following:

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means a contribution of at least one thousand dollars (\$1,000).

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.

(3) If the person making the contribution is an individual, the individual's occupation.

(4) The amount of the contribution.

(5) The date and time the contribution was received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report

C
O
P
Y



required by this section."

Page 13, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 32. IC 3-5-2-32.5 IS REPEALED [EFFECTIVE JULY 1, 1997 (RETROACTIVE)].

SECTION 33. IC 3-9-5-21 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 34. IC 3-9-5-20 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 35. P.L.3-1997, SECTION 473, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 114. (a) As used in this SECTION, "computer system" refers to the computer system described in IC 3-9-4-4.

(b) Notwithstanding IC 3-9-4-4, the election division is not required to have the computer system operational before April 1, 1998.

(c) Notwithstanding IC 3-9-4-4, not later than April 2, 1998, the computer system is only required to make the annual reports required to be filed under IC 3-9-5-10 for calendar year 1997 in searchable, digital form available on the Internet.

(d) Notwithstanding IC 3-9-4-4, after December 31, 1998, and before January 1, 2000, the computer system is required to ~~do only the following:~~

(1) ~~Identify all contributors and committees that received contributions from a contributor during 1997 and 1998.~~

(2) ~~Identify all candidates and committees that received contributors to a candidate or committee during 1997 and 1998.~~

make the reports required to be filed under IC 3-9-5 for reporting periods, including all or part of calendar years 1997 and 1998, in searchable, digital form available on the Internet.

(e) This SECTION expires January 1, 2000.

SECTION 36. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a) **This SECTION applies to a political action committee in existence on June 30, 1997, that is redefined as:**

(1) a legislative caucus committee; or

(2) a national party affiliate committee;

under IC 3-5-2, as amended by P.L.3-1997.

(b) Notwithstanding IC 3-5-2, as amended by P.L.3-1997, a legislative caucus committee or a national party affiliate committee is considered a political action committee for all purposes under IC 3 before January 1, 1998.

(c) A legislative caucus committee under this SECTION shall file a statement of organization with the election division not later than January 21, 2000, reflecting the committee's status as a

C
o
p
y



legislative caucus committee.

(d) This SECTION expires December 31, 2000.

SECTION 37. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] (a) Notwithstanding IC 3-9-1-23, as amended by P.L.3-1997, SECTION 176, before January 1, 1998, the treasurer of a committee listed in IC 3-9-1-1(a) is required to keep only an account of the items that were required under IC 3-9-1-23 before the amendment to IC 3-9-1-23 took effect July 1, 1997.

(b) Notwithstanding IC 3-9-2-9, as amended by P.L.3-1997, SECTION 178, a contribution transferred to the treasurer of a committee listed in IC 3-9-1-1(a) before January 1, 1998, must include only the information that was required under IC 3-9-2-9 before the amendment to IC 3-9-2-9 took effect July 1, 1997.

(c) This SECTION expires December 31, 1999.

SECTION 38. P.L.3-1997, SECTION 485, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: (a) Notwithstanding IC 3-9-4-4(a), as amended by this act, an expenditure coding system developed or maintained by the election division or a county election board is not required to comply with the requirements of IC 3-9-4-4(a) before January 1, ~~1999~~ 2000.

(b) The expenditure codes required under IC 3-9-4-4(a), as amended by this act, do not apply to reports required to be filed before ~~March 31, 1999~~ January 1, 2000.

(c) Notwithstanding IC 3-9-4-4(b), as amended by this act:

- (1) the computer system maintained by the election division is not required to enable the election division to provide for electronic submission, retrieval, storage, and disclosure of campaign finance reports by candidates for legislative office and state office; and
- (2) the election division is not required to:

(A) provide training at no cost to candidates for legislative office and state office; and

(B) suggest acceptable alternate electronic formats and programs to enable candidates for legislative office and state office to file campaign finance reports electronically;

before ~~July 1, 1999~~ January 1, 2000.

(d) This SECTION expires December 31, ~~1999~~ 2000.

SECTION 39. [EFFECTIVE UPON PASSAGE] (a) Not later than October 1, 1999, the election division shall provide to the legislative council a list of proposed campaign expenditure codes required to be developed under IC 3-9-4-4, as amended by this act. The list developed under this SECTION must include explanations of the kinds of expenditure items that would have to be accounted for



under each proposed code, as required under IC 3-9-4-4, as amended by this act.

(b) **This SECTION expires October 2, 1999."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 294 as printed April 6, 1999.)

RICHARDSON

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 294 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 4-30-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. "Instant ticket vending machine" means a self-service device authorized by the commission to function in an on-line, interactive mode with the lottery's central computer system for the purpose of issuing lottery tickets and entering, receiving, and processing lottery transactions.**

SECTION 3. IC 4-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A person who knowingly:

- (1) sells a lottery ticket and is not authorized by the commission or this article to engage in such a sale;
- (2) sells a lottery ticket to a minor; ~~or~~
- (3) sells a lottery ticket at a price other than that established by the commission; **or**
- (4) sells a lottery ticket from an instant ticket vending machine after June 30, 1999;**

commits a Class A misdemeanor.

SECTION 4. IC 4-30-14-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. A person who possesses an instant ticket vending machine after July 31, 1999, commits a Class A misdemeanor."**

Page 15, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE UPON PASSAGE] (a) **The lottery commission may not authorize the sale of a lottery ticket from an instant ticket vending machine after June 30, 1999.**

(b) **The commission shall adopt an emergency rule under IC 4-30-3-9 to insure that all instant ticket vending machines in the**



C
O
P
Y

possession of lottery retailers are withdrawn from use before July 1, 1999.

(c) The commission shall settle all accounts with lottery retailers and vendors concerning instant ticket vending machines before August 1, 1999.

(d) The commission shall take possession of each instant ticket vending machine before August 1, 1999."

Renumber all SECTIONS consecutively.

(Reference is to ESB 294 as printed April 6, 1999.)

YOUNG M

C
o
p
y

